

BET
6-28-01
#31IOS

PATENT

1c973 U.S. P.
09/813225
03/20/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Joseph A. Orr et al.

Serial No.: Not Yet Assigned

Filed: March 19, 2001

For: REBREATHING METHODS
INCLUDING OSCILLATING,
SUBSTANTIALLY EQUAL REBREATHING
AND NON-REBREATHING PERIODS

Examiner: Unknown

Group Art Unit: Unknown

Attorney Docket No.: 4637US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: _____

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Person making Deposit: _____

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Information Disclosure Statement is not to be construed as a representation that a search has been made or an

admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56 (b) exists.

DOCUMENTS

U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor</u>
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4,608,995	09/1986	Linnarsson et al.
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5,117,674	06/1992	Howard
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Foreign Patent Documents

<u>Document No.</u>	<u>Date</u>	<u>Country</u>
28 49 217 A1	05/1980	DE
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WO 98/12963	04/1998	PCT

Other Documents

H. Blomquist et al., *A Non-Invasive Technique for Measurement of Lung Perfusion*, Intensive Care Medicine 1986; 12:172.

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Capek, J.M., *Noninvasive Measurement of Cardiac Output Using Partial CO₂ Rebreathing* [Dissertation], Rensselaer Polytechnic Institute (1988) 28:351 p. (due to large number of pages, only table of contents and abstract have been copied).

Capek, J.M., et al., *Noninvasive Measurement of Cardiac Output Using Partial CO₂ Rebreathing*, IEEE Trans. Biomed. Eng. (1988) 35(9):653-61.

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Elliot, C. Gregory, et al., *Complications of Pulmonary Artery Catheterization in the Care of Critically Ill Patients*, Chest (1979) 76:647-52.

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Jaffe, Michael B., *Partial CO₂ Rebreathing Cardiac Output-Operating Principles of the NICO™ System*, Jour. of Clinical Monitoring & Computing (1999), Vol. 15, pp. 387-401.

Applicants offer to supply any explanation or discussion of the documents which the Examiner feels is necessary or desirable and which is requested.

This Information Disclosure Statement is filed within three (3) months of the filing date of the above-identified application.

Respectfully submitted,



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Date: March 19, 2001

BGP/ps:dlm

Enclosures: Form PTO-1449
Copy of documents cited

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 1,455.00

Complete if Known

Application Number	Not Yet Assigned
Filing Date	March 20, 2001
First Named Inventor	Joseph A. Orr
Examiner Name	Unknown
Group Art Unit	Unknown
Attorney Docket No.	4637US

PTO
09/813225
03/20/01

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 20-1469
Deposit Account Name: TraskBritt

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	355
106 320	206 160	Design filing fee	0
107 490	207 245	Plant filing fee	0
108 710	208 355	Reissue filing fee	0
114 150	214 75	Provisional filing fee	0

SUBTOTAL (1) (\$) 355.00

2. EXTRA CLAIM FEES

Total Claims: 120
Independent Claims: 8
Multiple Dependent: 0

Extra Claims: 20** = 100 X 9 = 900
3** = 5 X 40 = 200
0 = 0

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 80	202 40	Independent claims in excess of 3	
104 270	204 135	Multiple dependent claim, if not paid	
109 80	209 40	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 1,100.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	40
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 40.00

SUBMITTED BY

Name (Print/Type)	Brick G. Power	Registration No. (Attorney/Agent)	38,581	Telephone	(801) 532-1922
Signature	Brick G. Power	Date	03/20/2001		

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